

Introduced by Senator Murray

January 14, 2005

An act to add Section 23575.1 to the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 95, as introduced, Murray. Vehicles: ignition interlock device.

Under existing law, a restricted driver's license, that is issued to a person who is convicted of a repeat driving-under-the-influence offense, is subject to, among other requirements, that the person only operate a motor vehicle that is equipped with a functioning ignition interlock device.

This bill would make it a misdemeanor or felony for a person who is subject to that condition to operate a motor vehicle in violation of that condition. Because this bill would create a new crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 23575.1 is added to the Vehicle Code,
2 to read:

1 23575.1. A person who has a restricted driver's license issued
2 under Section 13352 that includes a statutorily imposed condition
3 that the person only operate a motor vehicle that is equipped with
4 a functioning ignition interlock device and who operates a motor
5 vehicle in violation of that condition is guilty of a public offense,
6 and upon conviction thereof, shall be punished by imprisonment
7 in the county jail for up to one year, or by a fine of not more than
8 one thousand dollars (\$1,000), or by both that fine and
9 imprisonment, or by imprisonment in the state prison for 16
10 months or two or three years, or by a fine of not more than ten
11 thousand dollars (\$10,000), or by both that fine and
12 imprisonment.

13 SEC. 2. No reimbursement is required by this act pursuant to
14 Section 6 of Article XIII B of the California Constitution because
15 the only costs that may be incurred by a local agency or school
16 district will be incurred because this act creates a new crime or
17 infraction, eliminates a crime or infraction, or changes the
18 penalty for a crime or infraction, within the meaning of Section
19 17556 of the Government Code, or changes the definition of a
20 crime within the meaning of Section 6 of Article XIII B of the
21 California Constitution.